BEFORE THE M.P. STATE ADMINISTRATIVE TRIBUNAL BENCH RAIPUR

3

O.A. NO._____/2001

3840/01
28/12/01

For Registrar,
M. P. State Adm. Tribunal,
RAIPUR.

APPLICANT : SMT. AZRA QURESHI
Wife of Shri A.M. Qureshi
Asstt. Professor
Deptt. of Sociology
Govt. Arts & Commerce College,
Jarhabhata,
Bilaspur (C.G.)

VERSUS

NON-APPLICANT :

1. State of C.G.
through the Secretary
Department of Higher Education
Govt. of Chhattisgarh,
D.K.S.Bhavan, Raipur

2. Principal
Govt. Arts & Commerce College,
Jarhabhatha
Bilaspur (C.G.)

ORIGINAL APPLICATION UNDER SECTION 19 OF THE M.P. STATE ADMINISTRATIVE TRIBUNAL ACT, 1985

(31)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.4424 OF 2005

Petitioner : Smt. Azra Qureshi

versus

Respondents : State of C.G. and another

CONTEMPT PETITION NO.123 OF 2006

Petitioner : Smt. Azra Qureshi

versus

Respondent : Y.S. Bele

Present : Mr. Maneesh Sharma, counsel for the petitioner in both the petitions.
Mr. V.V.S.Moorthy, Deputy Advocate General with Mr. Ajay Dwivedi, Panel Lawyer for the respondents/State in W.P.(S.)No.4424/2005.
Mr. Pankaj Shrivastava, counsel for the respondent in Contempt Pt.No.123/2006.

ORDER
(Passed on 12th of October, 2006)

These are two petitions, i.e., Writ Petition (S.) No.4424 of 2005 and Contempt Petition No.123 of 2006. The contempt petition arises in the writ petition. Thus, the writ petition and the contempt petition are being disposed of by this common order.

2. The original application was filed before the State Administrative Tribunal, Bench at Raipur, impugning the transfer order dated 26-12-2001 (Annexure A-1), whereby the petitioner, who was working on the post of Assistant Professor at Government P.G. Arts and Commerce College, Jarhabhata, Bilaspur, District Bilaspur, was transferred to the Government College, Lalbahadurnagar, District Rajnandgaon.

3. While admitting the petition, the Tribunal, by its order dated 8-1-2002, granted *status quo* with regard to the posting of the petitioner as on 28-12-2001. Learned counsel for the petitioner submits that despite there being the said order of *status quo*, a transfer order dated 30-6-2006 (Annexure C-3 in Contempt Petition No.123 of 2006) was passed transferring the petitioner to Government P.G. N.E.S. College, Jashpurnagar. However, no effect to the said order dated 30-6-2006 was given.

4. As a matter of fact, the petitioner, by way of interim order dated 8-1-2002, remained posted on the same place, i.e., Government P.G. Arts and Commerce College, Jarhabhata, Bilaspur, District Bilaspur for more than four years. The petitioner could not continue at one place forever.

5. It is well settled principle of law that transfer is an incident of service and it is for the employer to decide as to where a particular officer/employee be posted keeping in view public interest as well as administrative exigency. This Court has limited jurisdiction to interfere with the transfer matters and this Court can interfere only with the case

of proved *mala fide*, non-competence of authority passing the transfer order and transfer order not being in conformity with the rules and regulations. None of the above grounds are available to the petitioner. In the facts and circumstances of the case, it is not necessary to examine validity of the transfer orders at this stage. However, the respondents – authorities are directed not to insist on compliance of the transfer orders dated 26-12-2001 and 30-6-2006.

6. Accordingly, the writ petition stands disposed of and the contempt petition is dismissed. Notice to the respondent in the contempt petition is discharged. However, the respondents – authorities are at liberty to pass appropriate order for posting the petitioner in public interest and administrative exigency, in accordance with law. No order as to costs.

7. A copy of this order be placed on the record of the contempt petition.

Sd/-
Satish K. Agnihotri
Judge